

UNITED STATES DISTRICT COURT  
FOR THE COMMONWEALTH OF MASSACHUSETTS

RECEIPT # 34445  
 AMOUNT \$ 150  
 SUMMONS ISSUED Y  
 LOCAL RULE 4.1  
 WAIVER FORM  
 MCF ISSUED  
 BY DPT CLK.  
 DATE 11/10/04

Pamela Priestley,  
Plaintiff

Vs.

Karen L. Zaffiro and,  
Liberty Mutual Insurance Co.,  
Defendants

10/10/04 A 11:58

CIVIL DOCKET NO:

DISTRICT OF MASS.

COMPLAINT

MAGISTRATE JUDGE

PLAINTIFF DEMANDS A JURY TRIAL TO ALL ISSUES AT LAW AND  
EQUITY.

1.

The plaintiff, Pamela Priestley, resides at 5190 Flax Road, Pensacola, Florida.

2.

The defendant, Karen L. Zaffiro, resides at 79 Purdon Avenue, Lynn, Massachusetts.

3.

The defendant, Liberty Mutual Insurance Company, transacts business at P.O. Box 6079, 222 Rosewood Drive, Danvers, Massachusetts 01923.

4.

On or about December 11, 2001, on a public way in Lynn, Massachusetts, Karen Zaffiro, operated the motor vehicle in a wanton,

reckless and negligent manner striking a vehicle driven by Pamela Priestley.

5.

The impact of the accident caused Pamela Priestley to sustain extensive personal injuries, pain and suffering, medical bills and lost wages.

6.

At all times, Pamela Priestley drove her automobile in a reasonable and prudent manner.

7.

Karen L. Zaffiro was insured with Liberty Mutual Insurance Company.

8.

Pamela Priestley made reasonable demands upon Liberty Mutual to resolve the matter. Accordingly, Liberty Mutual offered ridiculous low amounts in complete violation of M.G.L. Ch. 90, S. 34m. Liberty attempted to deduct P.I.P. payments from their offers of settlement claiming Priestley had no medical bills outstanding, therefore she should get nothing or a low amount because her medicals were paid by P.I.P. A timely notice was sent to Liberty under Ch. 93A, Section 9.

**COUNT ONE**  
**Negligence Against Karen L. Zaffiro**

9.

The plaintiff incorporates by reference paragraphs one through eight.

10.

Pamela Priestley contends that Karen L. Zaffiro operated her motor vehicle on December 11, 2001 on a public way at Lynn, Massachusetts in a

wilful, wanton and negligent manner striking Priestley's motor vehicle. The impact of the accident caused Priestley to incur extreme pain and suffering, medicals, and lost wages.

**COUNT TWO**  
**Violation of M.G.L. Ch. 93A, Section 9**  
**Against Liberty Mutual Insurance Company**

11.

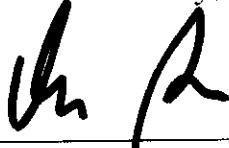
The plaintiff incorporates by reference paragraphs one through ten.

12.

Liberty Mutual Insurance Company, in bad faith, offered Priestley small amounts of compensation, violating public policy pursuant to G.L. Ch. 90, S. 34m. Liberty attempted in their settlement to deduct P.I.P. payments of the medicals from the offer. Liberty was stating since your medicals were paid by P.I.P you have no medicals and we can offer you very little. This is a blatant violation of G.L. c. 90, Section 34m. A timely notice was presented to Liberty of 93A Claim.

WHEREFORE, Pamela Priestley demands money damages, interest, costs, and reasonable attorneys fees.

The plaintiffs,  
By her attorney,



---

Damon Scirano, Esquire  
60 Commercial Wharf  
Boston, MA 02110  
(617) 367-0395



UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS*Presley v. Zaffiro*

1. TITLE OF CASE (NAME OF FIRST PARTY ON EACH SIDE ONLY)

2. CATEGORY IN WHICH THE CASE BELONGS BASED UPON THE NUMBERED NATURE OF SUIT CODE LISTED ON THE CIVIL COVER SHEET. (SEE LOCAL RULE 40.1(A)(1)).

1. 160, 410, 470, R.23, REGARDLESS OF NATURE OF SUIT. *AO 110*

2. 195, 368, 400, 440, 441-444, 540, 550, 555, 625, 710, 720, 730, 740, 790, 791, 820\*, 830\*, 840\*, 850, 890, 892-894, 895, 950. *AO 110*

3. 110, 120, 130, 140, 151, 210, 230, 240, 245, 290, 310, 315, 320, 330, 340, 345, 350, 355, 360, 362, 365, 370, 371, 380, 385, 450, 891.

4. 220, 422, 423, 430, 460, 510, 530, 610, 620, 630, 640, 650, 660, 690, 810, 861-865, 870, 871, 875, 900.

5. 150, 152, 153.

\*Also complete AO 120 or AO 121  
for patent, trademark or copyright cases

3. TITLE AND NUMBER, IF ANY, OF RELATED CASES. (SEE LOCAL RULE 40.1(G)). IF MORE THAN ONE PRIOR RELATED CASE HAS BEEN FILED IN THIS DISTRICT PLEASE INDICATE THE TITLE AND NUMBER OF THE FIRST FILED CASE IN THIS COURT.

*N/A*

4. HAS A PRIOR ACTION BETWEEN THE SAME PARTIES AND BASED ON THE SAME CLAIM EVER BEEN FILED IN THIS COURT?

YES  NO

5. DOES THE COMPLAINT IN THIS CASE QUESTION THE CONSTITUTIONALITY OF AN ACT OF CONGRESS AFFECTING THE PUBLIC INTEREST? (SEE 28 USC §2403)

YES  NO

IF SO, IS THE U.S.A. OR AN OFFICER, AGENT OR EMPLOYEE OF THE U.S. A PARTY?

YES  NO

6. IS THIS CASE REQUIRED TO BE HEARD AND DETERMINED BY A DISTRICT COURT OF THREE JUDGES PURSUANT TO TITLE 28 USC §2284?

YES  NO7. DO ALL OF THE PARTIES IN THIS ACTION, EXCLUDING GOVERNMENTAL AGENCIES OF THE UNITED STATES AND THE COMMONWEALTH OF MASSACHUSETTS ("GOVERNMENTAL AGENCIES"), RESIDING IN MASSACHUSETTS RESIDE IN THE SAME DIVISION? - (SEE LOCAL RULE 40.1(D)).

YES NO

A. IF YES, IN WHICH DIVISION DO ALL OF THE NON-GOVERNMENTAL PARTIES RESIDE?*EASTERN DIVISION*

CENTRAL DIVISION

WESTERN DIVISION

B. IF NO, IN WHICH DIVISION DO THE MAJORITY OF THE PLAINTIFFS OR THE ONLY PARTIES, EXCLUDING GOVERNMENTAL AGENCIES, RESIDING IN MASSACHUSETTS RESIDE?

*EASTERN DIVISION*

CENTRAL DIVISION

WESTERN DIVISION

(PLEASE TYPE OR PRINT)

ATTORNEY'S NAME

*Damon Scarano*

ADDRESS

*60 Commercial Street, Boston, MA 02110*

TELEPHONE NO.

*617 367 0395*